



APPROVED BY

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BOARD

chicago park district

541 N. Fairbanks, Chicago, IL 60611

February 10, 2010 – Board Meeting

AUTHORITY TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE CHICAGO HOUSING AUTHORITY TO DEVELOP AN ATHLETIC FACILITY

To: The Honorable Board of Commissioners of the Chicago Park District

I. Recommendation

It is recommended that the Board of Commissioners of the Chicago Park District authorize the General Superintendent, or his designee, to take all action necessary to negotiate and enter into an Intergovernmental Agreement to exchange land with the Chicago Housing Authority to develop an athletic facility in cooperation with the Jesse White Foundation, Ltd.

II. Property Information

Address of Acquisition: 410 West Chicago Avenue
27th Ward
Near North Side Community Area

Area: Approximately 1.3 acres

The Chicago Park District and the Chicago Housing Authority will exchange parcels of land of comparable area to assemble the site of the new athletic facility.

III. Agreement Information

Governmental Parties:	Chicago Park District 541 North Fairbanks Ct. Chicago, Illinois 60611	Chicago Housing Authority 50 West Washington Street Chicago, Illinois 60602
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Donor: Jesse White Foundation, Ltd., an Illinois not-for-profit corporation

Transfer Type: Intergovernmental Property Transfer in accordance with the Local Government Property Transfer Act, 50 ILCS 605/0.01 *et seq.*

Granting Instrument: Mutual Quit-Claim deeds transferring any and all interest that the parties have in the respective parcels.



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IV. Agreement Information

Development Agreement: Donation Agreement and operating license

Authorization: Authorize the General Superintendent to negotiate, enter into, and execute such intergovernmental agreement, donation agreement, operating license, indemnities, and instruments and to perform any and all acts as shall be necessary or advisable in connection with the transactions described herein, including compliance with applicable easements, permits and licenses and filing of plats of vacation or dedication for site reconfiguration. Authorize the General Counsel to include other relevant terms and conditions in the written Agreement. Authorize the General Superintendent to execute the Agreement and the Secretary to attest as to the signing of the Agreement and keep an original copy of the Agreement on file.

V. Explanation

The Jesse White Foundation, Ltd. (the "Foundation") has proposed to the Chicago Park District the joint development of a recreation center to offer a diverse array of athletic, leisure, and learning activities to the public. Portions of the building would be used as training and performance space for the Jesse White Tumblers and for conference and office space for the Foundation. The Foundation has pledged \$10 million towards the \$15 million development budget. The Chicago Park District would contribute \$5 million to the project, reflecting the District's ongoing commitment to strengthen recreational opportunities in City neighborhoods.

The proposed site for the athletic facility is owned by the Chicago Housing Authority ("CHA") and is located at 410 West Chicago Avenue, at the intersection of Chicago Avenue, Hudson Avenue and Sedgwick Street, in the 27th Ward, and the Near North Side Community Area. The Chicago Park District would identify land of comparable acreage in the Park District's land inventory required for the exchange. Development and acquisition of the site will require approval by the United States Department of Housing and Urban Development.



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VI. General Conditions

1. *Conflicts*: The Agreement shall not be legally binding on the Chicago Park District if entered into in violation of the provisions of the Public Officer Prohibited Activities Act, 50 ILCS 105/0.01 *et seq.*
2. *Ethics*: The Chicago Park District's Ethics Code, Chapter III of the Code of the Chicago Park District, shall be incorporated into and made part of the Agreement.
3. *Contingent Liability*: Any agreement lawfully entered into for a period of more than one year shall be executory only for the amounts for which the Park District may become liable in succeeding fiscal years pursuant to Section 17(i) of the Chicago Park District Act, 70 ILCS 1505/17(i). The Agreement shall contain a clause that any expenditure beyond the current fiscal year is subject to appropriation in the subsequent fiscal year budget.



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Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Gia Biagi".

Gia Biagi
Director of Planning and Development

A handwritten signature in black ink, appearing to read "Michael P. Kelly".

Michael P. Kelly
Chief Operating Officer

Within the Appropriation:

A handwritten signature in black ink, appearing to read "Steve Hughes".

Steve Hughes
Chief Financial Officer

Approved as to Legal Form:

A handwritten signature in black ink, appearing to read "Maria G. Garcia".

Maria G. Garcia
General Counsel

Approved:

A handwritten signature in black ink, appearing to read "Timothy J. Mitchell".

Timothy J. Mitchell
General Superintendent and CEO

**ORDINANCE AUTHORIZING THE ACCEPTANCE OF PROPERTY FROM THE
CHICAGO HOUSING AUTHORITY**

WHEREAS, the Chicago Park District ("Park District") is a body politic and corporate created pursuant to the Chicago Park District Act, 70 ILCS 1505/0.01 *et seq.* (the "Act");

WHEREAS, the Chicago Housing Authority ("CHA") is engaged in the development and operation of safe, decent and sanitary housing throughout the Chicago metropolitan area for low-income families in accordance with the United States Housing Act of 1937, 42 U.S.C. Section 1437 *et seq.*, regulations promulgated by the United States Department of Housing and Urban Development ("HUD"), and the State Housing Authorities Act, 310 ILCS 10/1 *et seq.*;

WHEREAS, the Constitution of the State of Illinois authorizes and encourages cooperative agreements between state and local governments;

WHEREAS, the Local Government Property Transfer Act, 50 ILCS 605/0.01 *et seq.* (the "Transfer Act"), authorizes and provides for municipalities to convey, grant or transfer real estate held by the municipality to any other coterminous municipality or special district upon the agreement of the corporate authorities governing the respective parties;

WHEREAS, under the Act, the Park District is empowered to establish, acquire, lease, complete, enlarge, ornament, build, rebuild, improve, operate and maintain public parks, playgrounds and recreational facilities;

WHEREAS, the Park District desires to enter into an equivalent exchange of land with the CHA to acquire a parcel of land currently owned by the CHA and located at 410 Chicago Avenue, as further described in Exhibit A (the "Property"); and

WHEREAS, the Park District has determined that the Property is suitable for the operation of park space; and necessary, useful, appropriate and desirable for the acquisition, establishment, operation and maintenance of a public park;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CHICAGO PARK DISTRICT;

Section 1. The above recitals and the attached Exhibit A are expressly incorporated in and made part of this ordinance as though fully set forth herein.

Section 2. It is hereby determined pursuant to the Act and the Transfer Act that it is necessary, useful, appropriate and desirable that the Property be acquired in exchange for a parcel of land of equivalent area acceptable to the CHA (the "Transfer").

Section 3. The General Superintendent and his designee are hereby authorized, empowered, and directed to negotiate, enter into and execute such agreements, indemnities, and instruments, and perform any and all acts as shall be necessary or advisable in connection with the acceptance of the Property and the Transfer, including, without limitation, the following:

- a. Negotiate, execute and deliver rights of entry, and, as applicable, accept a quitclaim deed, or a special warranty deed, conveying title and possession of the Property to the Park District and including, without limitation, any restriction upon the Park District's use of such property;
- b. Negotiate, execute and deliver intergovernmental agreement between the CHA and the Park District to include the terms and conditions of the transfer;
- c. Execute and deliver various closing items and any other documents related to the acceptance of the Property, including filings for vacation or closing of streets and alleys, easements, and any other instruments in connection with the transactions described herein; and
- d. Expend funds necessary to pay reasonable costs for the foregoing and any other reasonable costs related to the Transfer.

Section 4. The Secretary and any other appropriate officials of the Park District are hereby authorized, empowered, and directed to attest the execution of any documents necessary in connection with the Transfer and to take all action necessary or proper in order to effectuate the Transfer, subject to review and approval of the General Counsel.

Section 5. To the extent that the Code of the Chicago Park District or any ordinance, resolution, rule, order or provision of the Park District, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall govern and control to the extent necessary to effectuate the acceptance of the Property. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

Section 6. This ordinance shall take effect and be in full force from and after its passage.

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Legal Description:

Lots 1 through 10 in Block 12 of Delevan's Addition to Chicago in the East Half of the Southeast Quarter of the Southwest Quarter, of Section 4, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Lots 1 through 3 in Block 9 of Delevan's Addition to Chicago in the East Half of the Southeast Quarter of the Southwest Quarter, of Section 4, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Lots 1 through 3 in Block 7 of Delevan's Addition to Chicago in the East Half of the Southeast Quarter of the Southwest Quarter, of Section 4, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Address: 410 West Chicago Avenue

Property Index Number: 17-04-331-042-0000
 17-04-331-043-0000
 17-04-331-044-0000

The legal description is subject to title commitment and survey, PIN division and consolidation, as necessary, plat of dedication, site reconfiguration, vacation or dedication of streets and alleys, as negotiated by the City of Chicago and the Park District.